

Please insert 3 exhibits on back
Front page 15 12/12

Docu578 JCH-KRS

Appellant
C HARLES D. J. BARNES #33280
vs.

Appellee
United States District
Court of New Mexico
10 Judicial DISTRICT

~~Case No. 1:20-cv-00578~~
~~Case No. 1:20-cv-00578~~

28532255 U.S.C. (a)
28532254 U.S.C. (2)(B) ; (2)(F)
2852254 2 (A)(i)(A)(ii)
T-802 KNAU

Request for HABEAS CORPUS Writ
and Evidentiary hearing
Concerning the fraudulent/
objectionable judgment on
the date 10-22-13, which
is actionable impositions
that takes truth Evidentiary
evidence (including evidentiary
hearing rights) and integrity.

(Please send copy) (Front Handmade and
in accordance with 28 U.S.C. § 2254, U.S.C. § 2254 U.S.C.)
Front page pg 0/14

Appellant
CHARLES D. BARRAS
Case no: 16-2258
Case no: 19-2208-
Case no: 1:09-cv-00578-KRS
MU/KRS

United States DISTRICT
Court of NEW MEXICO
10 Judicial DISTRICT

"J-BOINMAU" CASE no: CR-2009-92
Request FOR HABEAS CORPUS/
CERTIORARI WAIT 15-BOINMAU/
28 U.S.C. § 2254 I am CHARLES D. BARRAS
and I am in the custody
of the 10th District of
NEW MEXICO 1:05-CA-00191-WPJ
after Case no. 2009-0092 was
dismissed and probation was
was fraudulently violated
on the date 10-22-13. as
impositional judgement by
Judge William Johnson. A
writ of HABEAS CORPUS was
entered the capital of New
MEXICO, SANTA FE, by the

11/12

presidents of United States on the
date of 11-20-12

Appellate provisions are being
sought

On the docket statement

there are also incidents such as;

DISAGGREGATED and dismissed

HABEAS CORPUS terminations and

discrimination complaints are

being illegal and unfairly and

it is an act of DISCRIMINATION

Double Jeopardy as well as

Obstruction of evidence and

following concerns are

being abridged as causal

effects

1. Administrative appeals are
being unheard and avoided
or abridged to court officials.

AMENDMENT IX; AMENDMENT XII

2. Authenticated communication
Discovery and Disclosure is
illegally not being and being
not serviced as due process
mandates. CIV. 1-004 NNAE.

7/5/18

- 1(a) DISCRIMINATION against proper relief wasn't granted after the order of HABEAS CORPUS in 11-20-12.
- 1(b) Abuse of Human Rights and privacy as a causal effect of the facts of discrimination by the court and Administration and Discrimination of HABEAS CORPUS.
2. THE DISCRIMINATION of Double Jeopardies hearings were conducted after the concealment of the DIRECT order of HABEAS CORPUS.
3. THE DISCRIMINATION of Due process abridgmentation of hearings were discriminated during the process of HEARINGS. Hearings were conducted without rights to appeal and timely freedom of DISCOVERY.

4/11/16

4. LAWYER CLIENT capabilities were discriminated against the durings of the process of needed appeal and proceedings LAWYERS and LAWYER HEARINGS were dismissed.

These acts of DISCRIMINATION should bring question to Administrative standards and the manner of uniform injustice.

VIIA AMENDMENT; VAMENDMENT
IVX AMENDMENT; IVX AMENDMENT
CALIC AND Unusual Punishment
TIME LIMITATIONS STATUTES
Violations of a tortures
and cruel placement and
environment. Inequality
of inherent rights and
conspiracy to lack information
from or by victimization
factors.

5/12

The initial petition of case no. 503-CA-2009-0092 and 1:05-CA-00144-01WPT were perjurors in the beginning/initial indictments, as proved and was also a perjurious statement of any alleged judgmental complaints proven a false information and violates 28 § 1746 and 18 U.S.C § 1641. The petitions of indictment as S.I.C. fundamental error.

1. The state dismissed and incorrectly pursued in fundamental error.
2. The signature of the dismissed proposal of alleged Assistant D.A. Stephanie Erickson was an act of forgery against the STATE of NEW MEXICO because she was an illegal partner.

5/12
15/

- According to 13-110 CR4 and
 Civ. no. 17, MACad-084 and 1-041
 of Procedure on District court
 concerning U.S. M. M. Law
- 4(a) the dismissals of the
 dismissed case can't be
 re-opened unless the
 defenses position and
 counsel finds it necessary.
 the closing of case
 do to dismissal HABEAS
 CORPUS and proof of
 intention to perjure
 prosecute has been honored
 as insufficient activity.
- 2(a) the dishonoring of
 the case dismissal is an
 act of forgery and Defamation
 against the STATE court
 decision by the correctional
 department
- 36 3(a) 285 248 and U.S.D. M. M. L. VII
 Proves the rule of conduct for
 case was dismissed as in need of
 HABEAS CORPUS and there is need to
 challenge the legality of Incarceration and/or

pg 1/15

The signature of the illegal
partaker Assistant D. A. STEPHANIE
Erickson was also a perjuror
as to the STATE of New
MEXICO.

q(4) Other Dismissals of the
case and trial evidence and
unfinalized case that was
DISMISSED as was the case
no. 1103-CA-00148-01WDT;
1-503-2007-0092, can not
be considered a legal order.

4(5) Attempt alterations pre SIC
incorrectly represented
proposals that were dismissed.
Attempted Malicious false
imprisoned motivation by
specified officers of the
STATE of NEW MEXICO such as:
The false and SIC
incorrectly represented
Judgment sentencing,

pg 7/18

HABEAS CORPUS / MANU MILES
RECEATIFICATION
after "reported records misplacement"
AMENDMENT VIII, AMENDMENT XIV,
AMENDMENT XII,

this is a motion for
a hearing of HABEAS CORPUS
and DISMISSAL do to contempt
of DISCLOSURE, DISCRIMINATION
DISCLOSURE DISCRIMINATION
against evidential due process
the DISCRIMINATION itself is
defamatory Malicious stalking
against statutes have persisted
as required time limitations
statutes. Misplacement
of recordings in appellate
court. Obstructions of evidence
and discovery Authentications
and obstructions contempt
of dismissals are proof
of concealment of
DISCLOSURE and other contempt
have persisted,

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in the appellate court of subjecting
Proof of malicious prosecution
attempts, and neglect of
DISCLOSURE through DISMISSALS
• & Authentications.

- TIME limitations of contesting
of answers. Authentication
and DISCOVERY has prevented
process,
- concealments and contempt
against discovery have
assisted discrimination of
DISCOVERY have caused DISCRIMINATION
- DISMISSALS that show proof of
time limitations against
contestment of motions and
time-limitations of DISCLOSURE/
DISCOVERY are on Docket statements
; After DISMISSAL a hearing
of release and societal
pharmaceutical shall be discussed
by my defense and the
concerning officials.

9/12
PS

Proof of Maliciously prosecution attempts
and neglect of DISCLOSURE through
DISMISSALS of Authentication.

Time-limitations of contestments
of answers Authentication and DISCOVERY
has prevented processes.

• Concealments and contempt
against discovery has prevented
process.

• DISMISSALS that show proof
of time limitations of DISCOVERY/
DISCOVERY are on the Docket statement.

After DISMISSAL a hearing
of release and societal
punishment shall be discussed
by defense and the
concerning officials,

Civilrights versus HABEAS corpus relief as
follows, 42 § 1983 Johnson v Avery,
393 U.S. 683 (1969)

Presser v. Rodriguez, 411 U.S. 475
(1973) Morgan v Thompson,
321 F. Supp. 363
(S.D. Miss. 1970) 18 §§ 3142-3144

11/12

5-802 / 3-801 and 28 §§ 254(A)(i)
and 2(A)(ii)

In pursuance 28 §§ 255(1)
and rule 8 USC. rule of
HABEUS CORPUS; The
request for, another, writ
of HABEUS CORPUS or
Writ of Certiorari after
the Writ HABEUS CORPUS that
was ordered by District of
New Mexico of U.S. in pursuance
of his request; Hearings
were discriminated and
fundamental errors were made
that were objected and
appealed.

Therefore, My administration
would like a live hearing
with record.

According to 28 §§ 254(2)(A)(i)
The claim delivers on.

Need of collateral review
by the Supreme court
that was previously unavailable
or the factual assessment
that could not have been
previously discovered because
of through due diligence of courts.

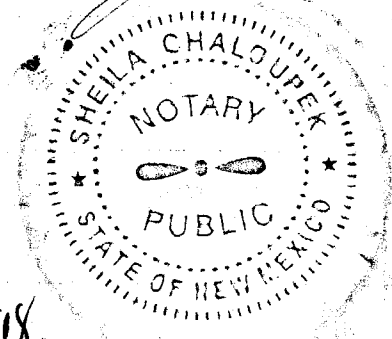
The probation violation ^{PS 12} is being
 still being appealed against
~~and~~ there was announced discriminations
 concerning due process of discharge
 paper communication by court
 and probation / parole officials
 (Please observe probation violation
 imposition given on 10-22-13)
 There is discoverable and
 Disclosure of HABEAS CORPUS
 that was definitely disregarded
 according to the Nolet's statement.
 The act of a judgement and
 discrimination is concerning
 the facts of supposed allegation
 in case of 103-CA-00188-01465.

Signature

signed before me this 3rd day
 of March, 2020 by Charles "DJ"
 Turner, Plaintiff

Chaloupek
 Notary public

my commission expires



11/18/2016	<u>133</u>	Transmission of Preliminary Record as to Charles Barnes to US Court of Appeals re <u>132</u> Notice of Appeal, <u>131</u> Notice of Appeal (kg) (Entered: 11/18/2016)
11/18/2016	<u>134</u>	USCA Information Letter with Case Number as to Charles Barnes 16-2258 for <u>132</u> Notice of Appeal, <u>131</u> Notice of Appeal (kg) (Entered: 11/18/2016)
11/18/2016	<u>135</u>	ORDER OF USCA - briefing on the merits is tolled pending further order as to Charles Barnes re <u>132</u> Notice of Appeal, <u>131</u> Notice of Appeal(kg) (Entered: 11/18/2016)
11/29/2016	<u>136</u>	NOTICE by Charles Barnes (dmw) (Entered: 11/30/2016)
12/20/2016	<u>137</u>	MANDATE of USCA - appeal is dismissed for lack of prosecution as to Charles Barnes re <u>132</u> Notice of Appeal - Final Judgment, <u>131</u> Notice of Appeal - Final Judgment (Attachments: # <u>1</u> Order)(kg) (Entered: 12/21/2016)
01/27/2017	<u>138</u>	***FILED IN ERROR*** LETTER by Charles Barnes (bap) Modified text on 1/31/2017, Mr. Barnes is restricted from filing any pleadings in this case (kg). (Entered: 01/30/2017)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHARLES D.J. BARNES,

Plaintiff,

v.

No. ~~18-cv-00578-JCH-KRS~~

STATE OF NEW MEXICO, *et al*,

Defendants.

ORDER OF DISMISSAL

This matter comes before the Court following Plaintiff's failure to cure deficiencies in connection with his Prisoner Civil Rights Complaint. (Doc. 1.) By an Order entered December 12, 2018, the Court directed Plaintiff to pay the \$400 civil filing fee, or alternatively, submit an *in forma pauperis* application no later than January 11, 2019. (Doc. 2.) The Order attached a blank copy of the form application and warned that the failure to timely comply may result in dismissal of this action without further notice. (*Id.* at 1.)

Plaintiff failed to address the filing fee. Instead, he submitted two letters raising discrimination, double jeopardy violations, and other constitutional violations. (Docs. 3; 4.) He asserts such "frame[work] [of] obstructions" "created" his failure to comply with the Order to Cure. (Docs. 3 at 3; 4 at 3.) These allegations, without more, do not explain why Plaintiff was unable to fill out the blank *in forma pauperis* application attached to the Order. The Court will therefore dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and comply with the prior Order. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) ("Rule 41(b) . . . has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the . . . court's orders."). If Plaintiff still wishes

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES BARNES,

Defendant.

CRIMINAL NO. 05-1888

WRIT OF HABEAS CORPUS AD PROSEQUENDUM
FOR CUSTODY OF DEFENDANT UNTIL COMPLETION OF FEDERAL CASE

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

TO: Sheriff or Warden of Santa Fe Penitentiary, Santa Fe, NM,
and to the United States Marshal or his authorized representative

GREETINGS:

You are hereby commanded to deliver CHARLES BARNES, DOB: xx/xx/1982, SSN: xxx/xx/9229, a prisoner in your custody at the Santa Fe Penitentiary to the United States Marshal for the District of New Mexico, or his representative.

The United States Marshals Service is commanded to product CHARLES BARNES for prosecution before the Honorable Robert Hayes Scott, United States Magistrate Judge Pete V. Dominici United States Courthouse, 333 Lomas Blvd. NW, Hondo Courtroom, 4th Floor, on Monday, December 10, 2012, at 9:30 A.M.

CHARLES BARNES will remain in the custody of the United States Marshal or his authorized representative until the federal prosecution is complete, unless otherwise ordered.

WITNESS the Honorable Robert Hayes Scott, United States Magistrate Judge of the United States District Court for the District of New Mexico, at Albuquerque, New Mexico, this __

CHARLES D. S. BARNES #53080

Geo / NEWMF

185 Dr. Michael Jenkins Rd

Elm-ton, N.M. 87102

LEGAL Privilege

Mail

Confidentiality



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NEOPOST
06/12/2020
USPS TRACKING
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RECEIVED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JUN 15 2020

MITCHELL R. ELPERS
CLERK

PLAINTIFF COURT OF APPEALS

Wm. COGNATIONS

333 LOMAS BLVD.

Albuquerque, NM